IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P. No.7098 of 2004

Between:

Yadla Sarojanamma, W/o. Vallabhanarayana
Vice President, Grampanchayat, Mandarada,

Santhakaviti Mandal, Srikakulam District.

..... PETITIONER

AND

1. The District Collector, Srikakulam District.

2 The Mandal Educational Officer, Santhakaviti Mandal,

Srikakulam District.

3 The Mandal Revenue Officer, Santhakaviti Mandal,

Srikakulam District.

4 Vavilapalli Balarama Swami Naidu,

S/o. Ramamurthynaidu, 60 Years,

Hindu, Occ: Cultivation,
R/o. Mandarada Village, Santhakavaiti Mandal,

Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not taking any steps to protect the play ground of the MPP School situated in Survey No.318 of Mandarada Village, Santhakaviti Mandal, Srikakulam District, from illegal encroachment made by the 4th respondent as illegal, arbitrary and direct the respondents 1 to 3 to take immediate steps to evict the 4th respondent from the Government land which is meant for the school play ground.

Counsel for the Petitioner: Ms. T.V. SRI DEVI

Counsel for Respondents 1 to 3: G.P. FOR REVENUE

Counsel for Respondent No.4: Mr. D.V. Nagarjuna Babu.

The Court made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

That pursuant to the directions of this Court, dated 23-08-2004, the Joint Collector, Srikakulam, is stated to have visited Mandarada village on 01-10-2004 along with the Assistant Director, Survey & Land Records, Srikakulam; Revenue Divisional Officer, Palakonda; Mandal Revenue Officer, Santhakavity; Deputy Inspector of Survey, Palakonda; Mandal Surveyor, Santhakavity; Extension Officer, M.P.D.O. Office, etc. A

detailed sketch has also been drawn by the Assistant Director, Survey & Land Records, Srikakulam, clearly depicting all the details of encroachment made in Survey No.318 classified as Manchineella Koneru Poramboke (kunta) (Government Poramboke) and the Survey No.319 classified as Zerotyati dry land.

The report submitted by the Joint Collector, Srikakulam, is exhaustive and self-explanatory. In the report, it is inter alia stated that the 4th respondent in the writ petition has not occupied the play ground of the School, "but it is the encroachment of Government Poramboke (Manchineella Koneru Poramboke) in Survey No.318 only." The other encroachments mentioned are also in Survey No.318 classified as Government Poramboke. In the report submitted by the Joint Collector, it is, however, stated that "an extent of Ac.0-03 cents of vacant land available in Survey No.318 beside the MPE School, Mandarada i.e. western side of the school which can be utilized as open space by the School."

It is thus clear that the revenue administration of the District has no objection whatsoever for the School utilising the said extent of 0-03 cents of vacant land.

In the circumstances, it will be appropriate to direct the respondents to ensure that the said extent of 0-03 cents of vacant land available in Survey No.318 is protected from the encroachment so as to enable the School authorities to utilize the same as playground.

The Writ Petition is accordingly disposed of without any order as to costs.

_____

B. SUDERSHAN REDDY, J

Date:29-12-2004.

_____

C.V. RAMULU, J

PV

To

1. The District Collector, Srikakulam District.

2 The Mandal Educational Officer, Santhakaviti Mandal, Srikakulam District.

3 The Mandal Revenue Officer, Santhakaviti Mandal, Srikakulam District.

4. Two C.Cs. to G.P. for Revenue, High Court of A.P.,

Hyderabad.

5. Two C.D. copies.